

Collection Actions - Businesses

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Liens

What is a lien?

A lien is a legal claim to secure a debt and may encumber real or personal property. A state tax execution recorded on the general execution docket in the office of a clerk of one of the superior courts of Georgia will make the state tax lien a matter of public record.

Why a state tax execution is recorded or filed

If you have a delinquent tax liability with the Georgia Department of Revenue, we may record or file a state tax execution to secure the debt.

Force and effect of a state tax execution

A lien may encumber your real or personal property. It may prevent you from refinancing, selling, or transferring property through escrow unless the lien is satisfied. In addition, credit bureaus monitor public records for recorded liens and the lien may appear on your credit report. This may prevent you from conducting various financial transactions such as buying property or obtaining additional credit.

How to get a lien released

Pay or resolve the delinquent tax liability. We will then cancel the state tax execution and send it to be recorded with the superior court clerk where the tax execution was recorded or filed.

If we recorded a state tax execution against you **in error**, we will mark the state tax execution as withdrawn and send it to be recorded with the superior court clerk of the county where the tax execution was recorded or filed.

Once a state tax execution is recorded, the lien continues in effect for 7 years and expires 7 years from the date of recording or filing unless extended. If a state tax execution expires, we do not send a lien cancellation to the superior court clerk for recording.

Removing liens from a credit bureau report

We have no control over the length of time that credit bureaus keep public information on a credit bureau report. To update your credit bureau report, you must contact the credit bureaus directly.

Pay a state tax lien balance

Log in to the [Georgia Tax Center](#) and follow the instructions. If you are in a real estate transaction, have the escrow, title, or mortgage company complete and submit a lien payoff demand request to the Department's Levy Section via fax at (404) 417-6513.

Garnishment

Why did you garnish my income?

If you have a delinquent balance under a tax lien, we may garnish property that is yours but is held by someone else (such as money owed to you for a contracted service, licenses, rental income, accounts receivables or commissions). Delinquent balances include taxes, penalties, fees, and interest.

What is the garnishment amount?

Non-wage garnishments are for 100% of your delinquent balance.

How is a garnishment released?

We release a garnishment when the amount on the garnishment is paid. However, if an additional balance accrues on a delinquent account, we may issue another garnishment. If we issue a garnishment in error, we will release it as soon as we verify the error. If you think we issued a garnishment in error, contact your local **DOR regional office** so we can analyze your account.

I filed bankruptcy. Does that stop my garnishment?

Yes. If you have a garnishment and you filed bankruptcy, contact your local **DOR regional office** so we can dismiss the garnishment.

Levy

A levy is a legal seizure of your property to satisfy a tax debt. Levies are different from liens. A lien is a claim used as security for the tax debt, while a levy actually takes the property to satisfy the tax debt. If you do not pay your taxes (or make arrangements to settle your debt), the Georgia Department of Revenue may seize and sell any type of real or personal property that you own or have an interest in. For instance, we could seize and sell property that you hold (such as your car, boat, or house), or we could levy property that is yours but is held by someone else (such as your dividends or bank accounts).

Why did you levy my property?

If you have a delinquent balance [under a state tax lien](#), we may levy your personal and real property. Delinquent balances include taxes, penalties, fees, and interest.

What is the levy amount?

Levies are for 100% of your delinquent balance.

How is a financial institution levy released?

We release a financial institution levy when the amount on the levy is paid. However, if an additional balance accrues on a delinquent account, we may issue another levy. If we issue a financial institution levy in error, we will release it as soon as we verify the error. If you think we issued a levy in error, contact your local **DOR regional office** so we can analyze your account.

I filed bankruptcy. Does that stop my financial institution levy?

Yes, as long as the financial institution has not yet sent payment to us. If you have a financial institution levy and you filed bankruptcy, contact your local **DOR regional office** so we can analyze your account and determine whether the levy should be released.

Notice of Delinquency

What is a Notice of Delinquency?

A notice of delinquency is a legal “freeze” of your money, property, debts, or credits held by third parties for unlimited thirty-day periods. A notice of delinquency is different from a levy. A levy seizes the property to satisfy the tax debt, while a notice of delinquency directs a third party to hold the property until the DOR seizes the property by means of a levy or garnishment.

Why did you issue a notice of delinquency?

If you have a delinquent sales tax or withholding tax balance, we may issue a notice of delinquency. Delinquent balances include taxes, penalties, fees, and interest. The issuance of a state tax execution is not required for this action.

What is the amount subject to a notice of delinquency?

A notice of delinquency is for 100% of your delinquent sales tax or withholding tax balance.

How is a notice of delinquency released?

We release a notice of delinquency when the delinquent sales tax or withholding tax amount on the notice is paid. However, if an additional balance accrues on a delinquent account, we may issue another notice of delinquency. If we issue a notice of delinquency in error, we will release it as soon as we verify the error. If you think we issued a notice of delinquency in error, contact your local **DOR regional office** so we can analyze your account.

I filed bankruptcy. Does that stop my notice of delinquency?

Yes. If we have served a notice of delinquency and you filed bankruptcy, contact your local **DOR regional office** so we can analyze your account and determine whether the notice should be released.